

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 5:07-cr-27(DCB)(LRA)
CIVIL ACTION NO. 5:09-cv-197(DCB)

MARK A. NECAISE

ORDER

This cause is before the Court on the government's Motion for Affidavits from Movant's Counsel and to Extend Time to File Government's Response (**docket entry 76**). Having carefully reviewed the motion and the defendant/movant's response in opposition thereto, the Court finds as follows:

Upon review of the defendant's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 filed herein, the Court finds that a response by the United States is needed. The Court further finds that the defendant alleges ineffective assistance of counsel in this cause and that he has waived his right to claim an attorney-client privilege in regard to these proceedings. Accordingly,

IT IS HEREBY ORDERED that the government's motion for affidavits and for extension of time (**docket entry 76**) is GRANTED;

FURTHER ORDERED that the government shall furnish copies of the defendant's motion to vacate under § 2255 to Frederick J. Lusk and Federal Public Defender Dennis Joinder, former counsel for the defendant in the above-referenced criminal proceedings; and that

said former counsel for the defendant respond to the allegations made by the defendant in his motion, within thirty (30) days from the date of entry of this Order, by written affidavits, said affidavits to be furnished to the government;

FURTHER ORDERED that the government shall file its response to the defendant's motion to vacate under § 2255 no later than thirty (30) days after the submission of the above-referenced affidavits.

SO ORDERED, this the 14th day of December, 2009.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE